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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,732	04/30/2001	Darryl J. Carlton	15993-0269717	3803

7590 09/29/2004

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EXAMINER

KIM, JUNG W

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/845,732	<b>Applicant(s)</b> CARLTON, DARRYL J.	
	<b>Examiner</b> Jung W Kim	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) #   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 1-12 have been examined.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

#### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The

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requirement for corrected drawings will be held in abeyance until a notice of allowance is submitted.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: on lines 7 and 9, the phrase "a said user's" should read "a user's". Appropriate correction is required.

5. Claims 3 and 5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations claimed in claims 3 and 5 are identical to the limitations claimed in claims 2 and 4.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitations "said user's terminal" and "said user's input data" in lines 7 and 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford U.S. Patent No. 6,014,651 (hereinafter Crawford).

10. As per claim 1, Crawford discloses a method for providing a software application service over the Internet (see Crawford, Abstract), comprising:

- a. accessing a service site on the Internet (see Crawford, Abstract, 1<sup>st</sup> sentence);
- b. authenticating a user for access to the software application service through a login process, through the service site (see Crawford, Figure 13, Reference No. 520);

- c. authorizing the user for access to a selected software application provided by the service (see Crawford, Figure 8A, Reference Nos. 402A and 402B);
- d. sending a service request form to the user's terminal and receiving a user's completed service request form over the Internet, the form including the user's input data required to perform the selected software service (see Crawford, col. 24, lines 43-45);
- e. performing the software service, including sending service result data over the Internet to the user's terminal (see Crawford, col. 10, lines 43-49; Figure 21D, Reference No. 1182);
- f. recording a record of the performing and billing the user for the performing (see Crawford, col. 8, lines 64-65; Figure 21D, Reference No. 1178; col. 68, line 56-col. 71, line 15).

The aforementioned cover the limitations of claim 1.

11. As per claims 2 and 3, Crawford discloses a method as outlined above in the claim 1 rejection under 35 U.S.C. 102(e). In addition, the authenticating step includes storing user valid authentication data in a database and comparing a user entered login authentication data with the valid authentication data for a match. See Crawford, claim 29. The aforementioned cover the limitations of claims 2 and 3.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford in view of Lim et al. U.S. Patent No. 6,434,619 (hereinafter Lim).

14. As per claims 4 and 5, Crawford discloses a method as outlined above in the claim 2 and 3 rejections over 35 U.S.C. 102(e). Crawford does not expressly disclose notifying the user if the login authentication data does not match the valid authentication data. Lim discloses notifying the user if the login authentication data does not match the valid authentication data. See Lim, col. 9, line 64-col. 10, line 4. It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lim to the method of Crawford to notify the user of the status of the user's request by means of a notification page as known to one of ordinary skill in the art and as taught by Lim. Ibid. The aforementioned cover the limitations of claims 4 and 5.

15. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford in view of Courts et al. U.S. Patent No. 6,085,220 (hereinafter Courts).



16. As per claim 6, Crawford discloses a system for providing a software application service over the Internet as outlined above. Crawford does not expressly disclose a system comprising a web top server, a database server and an application server. However, this 3-tier system is a common approach to develop server-side enterprise services for clients. For example, Courts teaches such a 3-tier architecture. See Courts, Figure 1, Reference Nos. 14 and 16; Figure 2B, Reference Nos. 146 and 148. It would be obvious to one of ordinary skill in the art at the time the invention was made for the system of Crawford to comprise a 3-tier system. Motivation to combine enables each layer to be insulated from one another to provide robustness and flexibility in the system. See Courts, col. 2, lines 5-13. The aforementioned cover the limitations of claim 6.

17. As per claim 7, Crawford covers a system as outlined above in the claim 6 rejection under 35 U.S.C. 103(a). In addition, the web top server includes presentation functionality for providing display screen data to a client terminal. See Courts, col. 3, lines 34-60. The aforementioned cover the limitations of claim 7.

18. As per claims 8 and 9, Crawford covers a system as outlined above in the claim 6 rejection under 35 U.S.C. 103(a). In addition, the business function includes recording software application service provided to a user and preparing billing data for use in billing a user for software application service provided. See Crawford, col. 26, line 6; col. 68, line 56-col. 71, line 15; see Courts, col. 3, line 60-col. 4, line 16: recording

software application service provided to a user and preparing billing data for use in billing a user for the service provided are business layer roles. It would be obvious to one of ordinary skill in the art at the time the invention was made to isolate business functions from database and presentation functions to enable a modularized architecture and to accrue the flexibility of such a design. See Courts, col. 2, lines 5-13. The aforementioned cover the limitations of claims 8 and 9.

19. As per claims 10 and 12, Crawford covers a system as outlined above in the claim 6 rejection under 35 U.S.C. 103(a). In addition, the software computing includes preparing result data for transmission to a client terminal through the applications server and the web top server. See Courts, col. 3, line 34-col. 4, line 16: preparing result data for transmission to a client terminal are business and presentation layer roles. It would be obvious to one of ordinary skill in the art at the time the invention was made to prepare result data for transmission to a client terminal through the applications server and the web top server to enable the presentation layer and the business layer to operate on functions specific to their roles for greater separation of tasks and to accrue the benefits of modularization. See Courts, col. 2, lines 5-13. The aforementioned cover the limitations of claims 10 and 12.

20. As per claim 11, Crawford covers a system as outlined above in the claim 6 rejection under 35 U.S.C. 103(a). In addition, the input data includes user supplied

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input data. See Crawford, col. 24, lines 43-45. The aforementioned cover the limitations of claim 11.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Konrad U.S. Patent No. 5,696,901.

Navare U.S. Patent No. 6,412,015.

Bretl et al. 'Persistent Java Objects in 3 tier architectures'.

### ***Telephone Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (703) 305-8289. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim  
Examiner  
Art Unit 2132

Jk  
September 24, 2004



GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
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